

AMENDED IN SENATE MAY 12, 2003

AMENDED IN SENATE MAY 6, 2003

AMENDED IN SENATE APRIL 24, 2003

AMENDED IN SENATE APRIL 10, 2003

**SENATE BILL**

**No. 544**

**Introduced by Senators Chesbro and Ashburn**

February 20, 2003

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~~An act to amend Section 6107 of, and to add Section 27266 to, the~~  
*An act to add Section 27337 to the* Government Code, relating to  
veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Chesbro. Veterans: recorded documents.

(1) ~~Existing law prohibits any public entity from charging any fee for recording, indexing, or issuing certified copies of specified documents related to service in the armed forces of the United States, including any public record required to apply for and receive benefits from the Veterans Administration or any other federal or state benefits. Existing law further requires that recording, indexing, or issuing certified copies of these documents be rendered on request of a United States official, a claimant or applicant, or the guardian, conservator, or attorney of the claimant or applicant, or any other person acting on behalf of the claimant or applicant.~~

~~This bill would provide that copies of veterans' records may be furnished only to the person who is the subject of the record upon presentation of proper photo identification, to a spouse, child, parent, or legal representative, as specified, or to a county office that provides~~

~~veterans' benefits services upon written request of that office. The bill would provide that these records are not public records for purposes of the California Public Records Act. The bill would require the county recorder to prepare and maintain a noncomprehensive index of those recorded documents, as defined, and provide that the index is available for public inspection.~~

~~By imposing new duties on a county recorder and making it a misdemeanor to make a false declaration, The California Public Records Act provides that the public records, as defined, of every state or local agency are open for inspection at all times during the office hours of the agency, that every person has a right to inspect any public record except as provided in the act, and that every agency, upon request, shall make copies of records available upon payment of fees to cover costs. The act authorizes any agency to withhold disclosure of requested public records pursuant to specific statutory exemptions or by demonstrating that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.~~

~~Existing law establishes that the officers of a county include a county recorder, with specified duties, including the recording of various documents according to specified procedures.~~

~~This bill would require, if any military veteran requests the recordation of any military discharge document, including a veteran's service form DD214, that the county recorder shall require the veteran to sign a form that acknowledges that the document becomes a public document subject to inspection, as provided. By creating new duties for local agency officials, this bill would create a state-mandated local program.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs~~



~~so~~ mandated by the state, reimbursement for those costs shall be made pursuant to ~~the these~~ statutory provisions ~~noted above~~.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

~~SECTION 1. — Section 6107 of the Government Code is~~

SECTION 1. Section 27337 is added to the Government Code, to read:

27337. If any military veteran requests the recordation in any county in this state of any military discharge document, including a veteran's service form DD214, the county recorder shall require the veteran to sign a form stating the following:

"I, the undersigned, hereby acknowledge that I am informed that by recording the attached military discharge document, all information referenced within it becomes a public record pursuant to the California Public Records Act, and that this information is open to inspection by any person."

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

~~amended to read:~~

~~6107. — (a) No public entity, including the state, a county, city, or other political subdivision, nor any officer or employee thereof, including notaries public, shall demand or receive any fee or compensation for doing any of the following:~~

~~(1) Recording, indexing, or issuing certified copies of any discharge, certificate of service, certificate of satisfactory service,~~

1 notice of separation, or report of separation of any member of the  
2 armed forces of the United States.

3 ~~(2) Furnishing a certified copy of, or searching for, any public~~  
4 ~~record that is to be used in an application or claim for a pension,~~  
5 ~~allotment, allowance, compensation, insurance (including~~  
6 ~~automatic insurance), or any other benefits under any act of~~  
7 ~~Congress for service in the armed forces of the United States or~~  
8 ~~under any law of this state relating to veterans' benefits.~~

9 ~~(3) Furnishing a certified copy of, or searching for, any public~~  
10 ~~record that is required by the Veterans Administration to be used~~  
11 ~~in determining the eligibility of any person to participate in~~  
12 ~~benefits made available by the Veterans Administration.~~

13 ~~(4) Rendering any other service in connection with an~~  
14 ~~application or claim referred to in paragraph (2) or (3).~~

15 ~~(b) The services referred to in subdivision (a) shall be rendered~~  
16 ~~upon the request of a United States official, the claimant or~~  
17 ~~applicant, or the guardian, conservator, or attorney of the claimant~~  
18 ~~or applicant, or any other person acting on behalf of the claimant~~  
19 ~~or applicant. A public officer or employee is liable on his or her~~  
20 ~~official bond for failure or refusal to render the services.~~

21 ~~(c) A certified copy of any record referred to in subdivision (a)~~  
22 ~~shall only be furnished to:~~

23 ~~(1) The person who is the subject of the record upon~~  
24 ~~presentation of proper photo identification.~~

25 ~~(2) A spouse, child, parent, or legal representative of the person~~  
26 ~~who is the subject of the record upon presentation of proper photo~~  
27 ~~identification and upon submittal of a declaration regarding his or~~  
28 ~~her relationship to the subject of the record. The declaration~~  
29 ~~submitted pursuant to this paragraph shall be accompanied by a~~  
30 ~~marriage certificate if the requester is the spouse of the subject of~~  
31 ~~the record, a birth certificate if the requester is a child or parent of~~  
32 ~~the subject of the record, or a certified copy of a court order if the~~  
33 ~~requester is the legal representative of the subject of the record or~~  
34 ~~the subject's estate. A person who declares as true any material~~  
35 ~~matter pursuant to this subdivision that he or she knows to be false~~  
36 ~~is guilty of a misdemeanor.~~

37 ~~(3) A county office that provides veterans benefits services~~  
38 ~~upon written request of that office.~~

39 ~~(d) For the purposes of the California Public Records Act~~  
40 ~~(Chapter 3.5 (commencing with Section 6250)) any recorded~~

1 ~~discharge, certificate of discharge, certificate of satisfactory~~  
2 ~~service, notice of separation, or report of separation of any~~  
3 ~~member of the armed forces of the United States is not a public~~  
4 ~~record and may only be disclosed pursuant to this section.~~

5 SEC. 2. ~~Section 27266 is added to the Government Code, to~~  
6 ~~read:~~

7 ~~27266. The recorder shall prepare and maintain a~~  
8 ~~nonecomprehensive index of any discharge, certificate of service,~~  
9 ~~certificate of satisfactory service, notice of separation, or report of~~  
10 ~~separation of any member of the armed forces of the United States~~  
11 ~~that is recorded pursuant to Section 6107. The index shall be~~  
12 ~~available to the public for inspection.~~

13 ~~For the purposes of this section, a nonecomprehensive index~~  
14 ~~shall be comprised of the first, middle, and last name, the gender,~~  
15 ~~and the date and place of birth of the subject of the record and the~~  
16 ~~type of document that was recorded.~~

17 SEC. 3. ~~No reimbursement is required by this act pursuant to~~  
18 ~~Section 6 of Article XIII B of the California Constitution for~~  
19 ~~certain costs that may be incurred by a local agency or school~~  
20 ~~district because in that regard this act creates a new crime or~~  
21 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
22 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
23 ~~the Government Code, or changes the definition of a crime within~~  
24 ~~the meaning of Section 6 of Article XIII B of the California~~  
25 ~~Constitution.~~

26 ~~However, notwithstanding Section 17610 of the Government~~  
27 ~~Code, if the Commission on State Mandates determines that this~~  
28 ~~act contains other costs mandated by the state, reimbursement to~~  
29 ~~local agencies and school districts for those costs shall be made~~  
30 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
31 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~  
32 ~~claim for reimbursement does not exceed one million dollars~~  
33 ~~(\$1,000,000), reimbursement shall be made from the State~~  
34 ~~Mandates Claims Fund.~~